

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT of Munoz et al. v. Sacramento Council of Governments, et al., Case No. C-05 01525 JSW, United States District Court for the Northern District of California.
[DRAFT]

TO: DEAF OR HARD-OF-HEARING PERSONS USING ROADS AND HIGHWAYS IN SAN BERNARDINO COUNTY WHERE EMERGENCY ROADSIDE CALL BOXES ARE LOCATED

Plaintiffs in a class action brought on behalf of deaf and hard-of-hearing motorists (“Plaintiffs”) have entered into class action settlement with Defendant San Bernardino Service Authority for Freeway Emergencies (“Defendant” or “SB SAFE”) involving access to call boxes. If you are a member of the Settlement Class, as defined below, you must act to preserve your right to sue the defendant for injunctive or declaratory relief regarding access to call boxes, or to be heard at the settlement hearing of the above-entitled class action.

The above-entitled class action seeks injunctive and declaratory relief on behalf of deaf and hard-of-hearing motorists against the California Department of Transportation and Will Kempton, Director of Caltrans, the California Highway Patrol and Mike Brown, Commissioner of the CHP, and nine local government agencies called Service Authorities for Freeway Emergencies, alleging a denial of equal access to California highways and roads, and alleging discrimination and civil rights violations relating to roadside call boxes. This class action alleges that roadside call boxes must be equipped with TTYs, or comparable two-way communication devices, to provide full and equal access to deaf and hard-of-hearing persons under applicable federal and California law. The primary relief sought by this class action is for all roadside call boxes to include TTYs or comparable two-way communication devices. The class action lawsuit is entitled Munoz et al. v. Sacramento Council of Governments, et al., Case No. C-05 01525 JSW, in the United States District Court for the Northern District of California (“Munoz

lawsuit”). To date, no class has yet been certified in the Munoz lawsuit, and proposed settlements with the defendants contemplate class certification for settlement purposes only. Defendant denies all liability and allegations of wrongdoing asserted against it in the Munoz lawsuit. However, after arms-length negotiation and mediation conducted before a magistrate judge, the settling parties agree that the proposed class action settlement is the best way to resolve the Munoz lawsuit between Plaintiffs and Defendant. Counsel for Plaintiffs have determined that the proposed settlement is fair, reasonable and adequate, and the relief obtained from Defendant via the settlement constitutes important and valuable changes in the Defendant’s conduct which otherwise might not be obtained through continued litigation against it. The “Settlement Class” for the proposed class action settlement is defined as all motorists who travel on, or who are likely to travel on highways, freeways, and other roads where there are call boxes under the administration of Defendant, and whose deafness or hearing and speech impairment prevents them from fully using, accessing, or communicating via call boxes that are not equipped with TTY’s. If you are a member of the Settlement Class, then any claims you may have for injunctive and declaratory relief regarding hearing disability-based discrimination and civil rights violations by the Defendant related to equal access to and effective communication at call boxes will be affected by the proposed settlement of the Munoz lawsuit.

PROPOSED SETTLEMENT

The main terms of the proposed class action settlement with Defendant are that it has agreed to install TTY’s in all of its call boxes by June 30, 2011, according to the following schedule. Defendant will install TTY’s in at least 392 call boxes on its system no later than June 30, 2007. Those TTY’s will be installed along State Route 330 and Interstate 15 (from north of

Victorville north to the Nevada State Line). Defendant will have at least 645 TTY's installed on its call box system no later than June 30, 2008. The additional 253 TTY's will be installed along State Route 18, State Route 38, Interstate 15 (from north of Victorville south to the interchange of Interstate 15 and State Route 138), and State Route 210. Defendant will have at least 1,035 TTY's installed on its call box system no later than June 30, 2009. The additional 390 TTY's will be installed along State Route 95, State Route 62, State Route 247, State Route 127, State Route 58, State Route 395, State Route 138, State Route 2 and Interstate 40 (from Barstow to 8 miles west of US 95). All call boxes on Defendant's system will have TTY's no later than June 30, 2011. In addition to the locations described above TTY's will be installed along State Route 30, State Route 60, State Route 71, State Route 259, Interstate 10, Interstate 40 (from 8 miles west of US 95 to the Arizona border), and Interstate 15 (from the interchange of Interstate 15 and State Route 138 south to the Riverside County line).

Defendant has agreed to provide written progress reports to Plaintiffs' counsel on June 30, 2007, June 30, 2008, June 30, 2009, and June 30, 2011, stating the number of TTY's currently installed and the number of call boxes currently installed on Defendant's system, identifying the locations of any call boxes in which TTY's have not been installed according to the schedule set forth above, the reasons for any such delays and the expected dates they will be eliminated.

Further, Defendant has agreed to promptly request the CHP, during the interim period of time when Defendant is installing TTY's in its call boxes, to treat tapping calls as "CHP Action Urgent" response items upon receiving notification of a tapping call from Defendant's private call answering center.

Also, as part of the proposed class action settlement, Defendant has agreed to pay reasonable attorney's fees and costs incurred in bringing the Munoz lawsuit in the amount of \$40,000 to Class Counsel, who will file a request with the Court to award this amount if it grants final approval to the proposed settlement.

OBJECTIONS TO PROPOSED SETTLEMENT

The Court has given preliminary approval to the proposed settlement of the Munoz lawsuit. A final approval hearing will be conducted by the Court on July 6, 2007, at 9:00 a.m., in Courtroom 2 on the 17th Floor of the Courthouse for the Northern District of California located at 450 Golden Gate Avenue, in San Francisco, California, to evaluate the fairness of the proposed settlements, consider arguments in favor of and against the settlements, and decide whether to give final approval.

If you believe that you may be a member of the Settlement Class (as defined above), please contact Class Counsel identified below **IMMEDIATELY** to receive a copy of the complete Settlement Agreement or view a copy on the Internet at www.deaflaw.org. If you wish to object to the proposed settlement or to speak at the fairness hearing, you must advise Class Counsel identified below in writing no later than 5:00 p.m. on June 15, 2007. If the Court grants final approval of the settlement, **THE SETTLEMENT WILL BE BINDING ON ALL SETTLEMENT CLASS MEMBERS. IF YOU ARE A MEMBER OF THE SETTLEMENT CLASS, YOUR RIGHT TO BRING A LAWSUIT AGAINST SB SAFE WITH RESPECT TO DEAF AND HARD-OF-HEARING PERSONS' ACCESS TO CALL BOXES WILL BE AFFECTED. HOWEVER, THE PROPOSED SETTLEMENT DOES NOT AFFECT ANY INDIVIDUAL DAMAGES CLAIMS THAT ANY MEMBER OF THE SETTLEMENT CLASS MAY HAVE AGAINST THE DEFENDANT.**

HOW TO GET FURTHER INFORMATION

If you have a question regarding the Munoz lawsuit or the proposed settlements of the case, you should contact Class Counsel at:

California Center for Law and the Deaf
14895 E. 14th Street, Suite 220
San Leandro, CA 94578
(510) 483-0922 TTY and Voice telephone

You may also find more information on the Internet at www.deaflaw.org or inspect the Court's file regarding this case during business hours at the office of the Clerk of the Court, 450 Golden Gate Avenue, 16th Floor, San Francisco, California.

DO NOT CALL OR WRITE TO THE COURT REGARDING THIS CASE